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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,887	10/01/2001	Takuma Yanagisawa	Q66457	3486

7590 01/13/2004

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/956,887

licant(s)

CHEN ET AL.

Examin r

Brian J. Broadhead

Art Unit

3661

-- Th MAILING DATE of this communication app ars on th cov r sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 through 18, and 27, 30, 33, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhn et al., 4354173.

3. As per claims 1, 6, 10, 15, 27, 30, 33, and 36, Kuhn et al. disclose calculating a histogram of vehicle information or a standard deviation during use of a vehicle base don at least one of vehicle information relating to fuel consumption of the vehicle, the vehicle information being output from a vehicle information detector when a predetermined time elapses after the beginning of the use of the vehicle on lines 30-33, on column 4; marking vehicle information based on a point set in the histogram or the standard deviation on lines 1-10, on column 4; and calculating an evaluation result based on the point of each of the marked vehicle information to notify a driver of the calculated evaluation result on lines 26-30, on column 4; and a device for detecting a first vehicle speed pulse output from a vehicle speed sensor during use of a vehicle and a second speed pulse output from the vehicle speed pulse sensor when a predetermined time elapses after the beginning of the use of the vehicle is inherent, motor vehicles are required to have a speedometer.

4. As per claims 2, 7, 12, and 17, Kuhn et al. disclose the evaluation result comprises and evaluation result of the driving situation of the vehicle on lines 26-30, on column 4.

5. As per claims 3, 4, 8, 13, 14, and 18, Kuhn et al. disclose the vehicle information detector comprises an acceleration sensor and the vehicle information comprises acceleration of the vehicle on line 42, on column 3.

6. As per claims 5 and 9, Kuhn et al. disclose the marking of the vehicle information is performed in consideration of the quantity of fuel consumption, the quantity of exhaust gas to be emitted, or components of the exhaust gas of the vehicle during the use of the vehicle on lines 25-30, on column 3.

7. As per claims 11 and 16, Kuhn et al. disclose the notifying device comprises at least either one of a display and a sound output unit mounted on the vehicle on lines 50-60, on column 4.

Claim Rejections - 35 USC § 103

8. Claims 19-26, 28, 29, 31, 32, 34, 35, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn et al., 4354173, in further view of Tano et al., 6438472.

9. Kuhn et al. disclose the limitations as set forth above. Kuhn et al. do not disclose notifying the user of the calculated evaluation result after the use of the vehicle is ended; and the vehicle comprises a battery backup, and wherein the evaluation result is notified using a power supply from the battery backup after the use of the vehicle is ended. Tano et al. teach notifying the user of the calculated evaluation result after the

use of the vehicle is ended on lines 50-65, on column 16; and the vehicle comprises a battery backup, and wherein the evaluation result is notified using a power supply from the battery backup after the use of the vehicle is ended is inherent. All vehicles have a battery for electronics after the engine is turned off. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Tano et al. in the invention of Kuhn et al. because such modification would provide risk management associated with vehicle driving since reports can be stored for all drivers.

Response to Arguments

10. Applicant's arguments filed 10-6-03 have been fully considered but they are not persuasive. Applicant argues that the reference cited "does not teach or suggest calculating and evaluating ' the accumulative information, such as the histogram of the vehicle and the standard deviation' ...to notify the evaluation result to a user". This is not what is claimed. The claims recite "calculating an evaluation result based on the point of each of the marked vehicle information to notify a driver of the calculated evaluation result". There is no mention of using the accumulated data for the evaluation result. The way the claim is written the evaluation result can be found from the momentary marked data.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3661

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600